

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:24-cv-00208-MR

PAUL VALDEZ-BEY, JR.,)
Plaintiff,)
vs.)
DUSTIN SMITH, et al.,)
Defendants.)

ORDER

THIS MATTER is before the Court on review of the docket in this matter.

Pro se Plaintiff Paul Valdez-Bey, Jr., (“Plaintiff”) filed this action on or around August 7, 2024, pursuant to 42 U.S.C. § 1983, against several Defendants associated with the Cherokee County Sheriff’s Office in Murphy, North Carolina. [Doc. 1; Doc. 1-2 (postmark)]. On September 23, 2024, the Court dismissed Plaintiff’s Complaint on initial review for Plaintiff’s failure to state a claim for relief. [Doc. 9]. The Court, however, allowed Plaintiff 30 days to amend his Complaint in accordance with the Court’s Order. [Id. at 6-7]. The Clerk mailed Plaintiff a copy of that Order the same day. [9/23/2024 (Court Only) Docket Entry]. On October 9, 2024, the Court’s Order was returned as undeliverable. [Doc. 10]. The Clerk, therefore,

entered a Notice instructing the Plaintiff that he must notify the Clerk of any changes to his address within 14 days of the Notice and that the failure to do so may result in the dismissal of this action. [10/09/2024 Text-Only Notice]. The Clerk checked the BOP and North Carolina Department of Adult Correction online inmate locators and was unable to find a new address for the Plaintiff. [10/09/2024 (Court only) Staff Note]. The Clerk, therefore, mailed the Text-Only Notice to Plaintiff's address of record at the Cherokee County Detention Center. [See id.]. On October 30, 2024, the Clerk's Text-Only Notice was also returned as undeliverable. [Doc. 11].

The deadlines to amend his Complaint and to notify the Court of his new address have passed, and Plaintiff has failed to do either. The Court will, therefore, dismiss this action without prejudice for Plaintiff's failure to prosecute.

ORDER

IT IS, THEREFORE, ORDERED that this action is **DISMISSED without prejudice.**

The Clerk is instructed to terminate this action.

Signed: November 4, 2024

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge
